

**Amendments to the Claims:**

Please amend claims 1, 12, 21 and 22 as follows:

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) An apparatus comprising:

(A) a photometric unit for receiving object light and converting the object light into luminance signals of a plurality of areas;

(B) a control unit for calculating a histogram of a luminance distribution on the basis of the luminance signals of the plurality of areas converted by said photometric unit; and;

(C) a luminance ~~level-deciding~~ distribution determination unit for ~~deciding~~ determining an area which is regarded as having a ~~predetermined~~ luminance level of a predetermined range in the histogram,

wherein said control unit controls a light emission of an illumination device ~~so as to be not affected by~~ based on a luminance signal excluding a luminance signal of an area which is decided determined as to have the predetermined a luminance level of the predetermined range by said luminance ~~level-deciding~~ distribution determination unit, and ~~in which the distribution of the histogram whose proportion to overall frame exceeds a reference point value.~~

2-9 (Canceled)

10. (Original) The apparatus according to claim 1, wherein said apparatus includes an image sensing apparatus.

11. (Canceled)

12. (Currently Amended) An apparatus comprising:

(A) a photometric unit for receiving object light and converting the object light into luminance signals of a plurality of areas;

(B) a control unit for calculating a histogram of a luminance distribution on the basis of the luminance signals of the plurality of areas converted by said photometric unit; and

(C) a luminance ~~level-deciding~~ distribution determination unit for ~~deciding~~ determining an area which is regarded as having a ~~predetermined~~ luminance level of a predetermined range in the histogram,

wherein said control unit controls a light emission in a case of a flash photographing operation ~~so as to be not affected by~~ based on a luminance signal excluding a luminance signal of an area which is ~~decided~~ determined as to have ~~the predetermined~~ a luminance level of the predetermined range by said luminance ~~level-deciding~~ distribution determination unit, and ~~in which the distribution of the histogram whose proportion to overall frame exceeds a reference point value.~~

13.-18. (Canceled)

19. (Original) The apparatus according to claim 12, wherein said apparatus includes an image sensing apparatus.

20. (Canceled)

21. (Currently Amended) An illumination device control method comprising:

a step of receiving object light;

a step of converting the object light into luminance signals of a plurality of areas;

a step of calculating a histogram of a luminance distribution on the basis of the converted luminance signals of the plurality of areas;

a step of ~~deciding~~ determining an area which is regarded as having a ~~predetermined~~ luminance level of a predetermined range in the histogram; and

a step of controlling a light emission of an illumination device ~~so as to be not affected by based on a luminance signal excluding a luminance signal of~~ an area which is ~~decided~~ determined as to have ~~the predetermined~~ a luminance level of the predetermined range by said luminance level ~~deciding unit~~ distribution determination step and ~~in which the distribution of the histogram whose proportion to overall frame exceeds a reference point value.~~

22. (Currently Amended) A flash photographing method comprising:

a step of receiving object light;

step of converting the object light into luminance signals of a plurality of areas;

a step of calculating a histogram of a luminance distribution on the basis of the converted luminance signals of the plurality of areas;

a step of ~~deciding~~ determining an area which is regarded as having a ~~predetermined~~ luminance level of a predetermined range in the histogram; and

a step of controlling a light emission in a case of flash photographing operation ~~so as to be not affected by based on a luminance signal excluding a luminance signal of~~ an area which is ~~decided~~ determined as to have ~~the predetermined~~ a luminance level of the predetermined range by said luminance level ~~deciding unit~~ distribution determination step, and ~~in which the distribution of the histogram whose proportion to overall frame exceeds a reference point value.~~

23.-26. (Canceled)

27. (Previously Presented) The apparatus according to claim 1, wherein the histogram is generated on the basis of signal levels of red signal, blue signal and green signal that are obtained by decomposing a sensed image signal.
28. (Previously Presented) The apparatus according to claim 12, wherein the histogram is generated on the basis of signal levels of red signal, blue signal and green signal that are obtained by decomposing a sensed image signal.
29. (Previously Presented) The apparatus according to claim 21, wherein the histogram is generated on the basis of signal levels of red signal, blue signal and green signal that are obtained by decomposing a sensed image signal.
30. (Previously Presented) The apparatus according to claim 22, wherein the histogram is generated on the basis of signal levels of red signal, blue signal and green signal that are obtained by decomposing a sensed image signal.
- 31-38. (Cancelled)